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KMART CORPORATION
(erroneously sued as SEARS HOLDINGS
MANAGEMENT CORPORATION)

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Attorneys for Plaintiffs
ASHLEY CHAVEZ, AMBER FOX AND
SHANNON GALLAGHER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ASHLEY CHAVEZ, an individual, AMBER
FOX, an individual, and SHANNON
GALLAGHER, an individual,

Plaintiffs,

vs.

SEARS HOLDINGS MANAGEMENT
CORPORATION, a Delaware Corporation d.b.a.
KMART and DOES 1 through 53, inclusive,

Defendants.

Case No. C 11-02152 MEJ

**STIPULATION [AND PROPOSED
ORDER] OF DISMISSAL**

STIPULATION

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the parties to the above entitled action, by and through their respective counsel, hereby stipulate to the dismissal of Defendant Sears Holdings Management Corporation ("Sears") as follows:

Based on the appearance of Kmart Corporation as the proper defendant in this matter, Plaintiffs hereby dismiss Sears with prejudice, as a party to this action.

Each party shall bear its own attorneys' fees and costs. All rights of appeal with respect to Sears, are hereby waived.

DATED: May 4, 2011

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

By: / s / Danielle Ochs-Tillotson
DANIELLE OCHS-TILLOTSON
SARAH R. NICHOLS
Attorneys for Defendant
KMART CORPORATION
(erroneously sued as SEARS HOLDINGS
MANAGEMENT CORPORATION)

DATED: May 4, 2011

THE LAW OFFICE OF GARRY M. TETALMAN

By: / s / Garry M. Tetelman
GARRY M. TETALMAN
Attorney for Plaintiffs
ASHLEY CHAVEZ, AMBER FOX, and
SHANNON GALLAGHER

~~Proposed~~ ORDER

Pursuant to the Stipulation of the parties and FOR GOOD CAUSE showing, the above-captioned matter is hereby dismissed, as to Defendant Sears.

Dated: May 5, 2011

District Court Judge

